

TOWN OF FOXBOROUGH  
SELECTMEN'S MEETING  
MINUTES  
APRIL 28, 2015

Members Present: Lorraine A. Brue, Chairman  
Virginia M. Coppola, Clerk  
James J. DeVellis  
David S. Feldman

Others Present: William G. Keegan, Jr., Town Manager  
Ms. Mary Beth Bernard, Assistant Town Manager  
Superintendent Lou Lopes, Southeastern Regional School  
Steve Udden, Southeastern Regional School Committee  
Chief Edward O'Leary  
Ms. Susan Penacho CRC Habitat OPCO, Inc.  
Ms. Lynda Walsh  
Ms. Chris Long  
Ms. Ellen Davis

John Gray was not present for this meeting.

The meeting was brought to order at 7:00pm by Chairman Lorraine Brue.

Ms. Brue read the agenda.

**7:00pm – Citizen's Input** – No one was present.

**7:05pm – Selectmen's Update**

Ms. Brue acknowledged the passing of Danny Nickerson and extend the Board's sympathies to the Nickerson/Jamison family. Danny was six years old and he will be remembered by many but also the fact that he brought together the community and many people all over the world last year who helped him celebrate his birthday. The Board had a moment of silence in his memory.

The Senior Class of 2015 announced that they were creating a class gift; a memorial garden for Sam Berns. It was presented by Kayla Sepe and also by Brian DeVellis to the School Committee. This is a wonderful memorial to Sam, everyone was very proud of the presentation and also the senior class.

They've created a Go Fund Me site and are working to raise \$15,000.

Just as a reminder this Saturday, May 2, 2015 is Clean Up Foxborough Day to make sure that everyone comes out and helps clean up Foxborough, it sounds like the weather is going to be great and she hopes everyone shows up.

## **7:10pm – Southeastern Regional School FY16 Budget**

Superintendent Lopes stated this has really been a celebration for this school. They completed a \$34 million renovation project that was completed on time and under budget. They were able to do it without any assessment increase from their communities. That has really allowed them to do some great things, such as expanding programs and they are starting to see that payoff not just that they have a record number of enrollment; their enrollment is up almost 4 ½% from the previous year and they continue to see that grow not because they are accepting more students but because they are enrolling students in programs that they are really enjoying so what is happening is their upperclassman size is continuing to grow. Their dropout rate is less than 1% which is pretty spectacular.

They are also recognized as a Level I school for their academic achievement in fact the Commissioner of Education cited their school as having the greatest gains in math MCAS in high school among any other high school in the Commonwealth. They are being successful not just academically but also on the career side, quite a few of their students go on directly into work. They have a Senior Cooperative education program where seniors can actually get paid and work out in the industry; they've increased that about 30% this year, in fact this year alone there are seniors who will generate over \$1 million worth of income which is their own money and is going to help support their families and so forth which for their kids is very important; over 60% of their students are on free/reduced lunch so some of that money is critical for them to be able to afford whether it is college tuition expenses and things like that.

When doing their 2016 budget their school district that operates at what is called a foundation budget or net school spending meaning that whatever the minimum amount that communities have to spend on education is what they based their budget on. They've been able to do that now for seven years. Superintendent Lopes stated that in order to stay a foundation budget this year the school committee had to dip into their excess and deficiency account because of a new assessment that they were faced with around state retirement. When the district was formed, people were not part of the Massachusetts retirement; the district joined the state retirement system. It has always been employees fund that 100%. As a result of a federal audit on the state retirement board they notified them going forward they were going to have to make an employer contribution. They still don't know exactly how much that is going to be but they estimate that it is going to be between \$600,000-\$800,000 a year. They were able to absorb half of this in the budget and the school committee voted to pick up the other half out of their E & D fund, this year at least it's not going to result in any increase in assessment to the community. They are working with the legislature to try to minimize the impact to communities on that, this has been very well received and there has been some special legislation filed and just got approved by the House and is now on the Senate side.

In terms of Foxborough, enrollment is up slightly; it is actually up 21% which is a relatively small number (23 students in 2016) and as a result of that the assessment is up \$62,000 to \$309,094 which is an increase of 25%. Percentagewise it is relatively large but you can see how it follows the enrollment increase. There was a dip for a few years but they are starting to see a trend in enrollment going back up. The \$309,094 for 2016 is still less than what the assessment

was in 2012, granted there are fewer students. One of the ways they are able to control that is in addition to their operating budget they have transportation costs in the regional school district, they are not allowed to charge for transportation, the state is supposed to reimburse the communities subject to appropriation to having the adequate amount of money. Typically they find as much as 90% and they are funded as little as 29%. Right now it is around 60%. They were able to look at their bus routes very closely and do some efficiency measures; they are actually reducing their transportation costs by almost 18% and that money directly goes to the community. Out of the budget the increase of \$62,098, \$60,797 was actually mandated by the Department of Education. The part that the School Committee and Superintendent Lopes has control over is \$1,341, so as you can see there is not a lot of wiggle room there in terms of them trying to provide some relief to the communities.

As their enrollment increases they are able to provide some great programs and that has led to being very successful. They have over 800 applicants who are ready for the incoming freshman class and they only accept about 375 students. For the first time they will actually have more people on the waiting list than unfortunately they are able to accept in their freshman class. Mr. Udden stated to that point the admission process is fairly rigorous for the students to go into the school, it's not an open door and there is a lot of work before the students come into Southeastern during the application process they may have to have their feet in the fire in the Foxborough public school system to a level that is acceptable to move forward in the admission process at Southeastern. For the student if he/she really wants to go to that school they have to demonstrate an effort to want to get into that school. That is cooperation between the community, the families of the students and the students themselves. The feedback Mr. Udden has received from parents whose students have made it in has been very positive. For the people at home, if there is any feedback they want to give Mr. Udden otherwise he is in the phonebook and easy to access. Mr. Udden just wants to make it clear that it is not easy to get into Southeastern and once it is, it is a really valuable experience for the students, and it is a type of student that goes there.

Mr. DeVellis stated with respect to Foxborough there looks like there are 8 or 9 towns and Foxborough is 1.6% of the population and there doesn't look like there is any rhyme or reason to the school's enrollment, if you go back eight years some of those years have gone up and some have gone down, Foxborough is actually lower than when Superintendent Lopes had started presenting this data. If he was from Foxborough and the enrollment went down since its beginning is it because Foxborough students are applying and not getting in; are they are not applying; or do they do marketing to get people to understand what the school is about. Superintendent Lopes stated they are obligated to inform every eighth grader of their right for a free public vocational school education if they so choose. What Superintendent Lopes finds what these dips are if you have a small freshman class that dip carries for four years. What happens is you see it going down and then it starts to come back up. There is a four-year fluctuation and you can see the same thing in Mansfield and West Bridgewater has those four-year kinds of dips. Easton had a similar situation where they dipped for four years and now they are going back up. In terms of applications they are seeing the same number of applications and on the way to the meeting Superintendent Lopes did a quick lookup of the number of students that had applied and how many have been accepted of the incoming freshman class, and it is about 40% have been accepted. So if you figure about 800 applicants, that isn't far off, it is

about half. They still have about 125 openings so they are by no means done with the application process. It's not just grades, in fact they follow what is called a blind admission, they are not allowed to look at where they come from or if they are special but they do look at the points for grades, attendance, behavior and an interview and they start going down from the top until they reach 375. That admission policy is set by the state and they follow it and it is a very open policy. Anyone who asks can get a copy of the list. Mr. DeVellis asked how far this goes back, Superintendent Lopes stated two years. Superintendent Lopes stated if he had to see where there had been some challenges it would be the seventh-grade attendance, for some reason it seems to be an issue for some kids and they lose some significant points for that. In Foxborough he doesn't see so much behavioral issues but really attendance and grades. Behavior is a big part, that is the most percentage points because they feel that if someone is going to make an effort and they show up to school that they are going to be able to educate them and make them successful but if they don't show up it is very hard for them to make them successful. In their eyes it is not fair for the communities to be paying that amount of money and then not being able to educate them.

Mr. Feldman stated in reading through the materials that Superintendent Lopes provided there are factors affecting assessment but how is the assessment actually calculated. Superintendent Lopes stated since 2001 the State has used what they call an aggregate wealth model for assessments so they get the same amount per student from all nine communities, the difference is in how much state aid each community gets. A city like Brockton which is 60% of their students they get about \$8,000-\$12,000 per student in state aid so they pay percentagewise their assessment. Under the formula the wealthier you are the more you pay but it is also based on the number of students so what you will see in Foxborough, overall the Foxborough student age population is down 39 students; it went from 2,762 students to 2,723 which is not significant in number and he has seen in some communities where there has been a huge decrease in that it is actually when they did their renovation project they looked at 10 year projections. If they have fewer students why is their assessment going up, because under the aggregate wealth model what the state says your property values are actually going up so the good news for Foxborough is your growth is 4.7% which is almost double the state average. The state says there are fewer kids, but Foxborough can afford more money so they are going to give Foxborough less state aid. There are a lot of factors that go into this, but that is why you see a disparity amongst assessments. Southeastern gets the same amount it is just a matter of how much the community gets for assistance from the state. In reality the more students you have the less you pay which is kind of an odd formula but it is really true. Mr. Udden stated that Mr. Feldman's comment is probably the most common question they get from town leaders. They've seen this with other communities when they were talking about going out on the road.

Ms. Coppola stated that she did go to the open house during the fall and she was very impressed with the school but she was really impressed with the way the students were discussing their experiences with the parents of the prospective students. These people were very mature and they were very well spoken and they were very proud of their school. They've done a wonderful job. Superintendent Lopes learned very quickly no matter what he says the students can say it better.

Ms. Coppola stated they have a warrant article before the Board at the annual town meeting for the stabilization fund, and she asked Superintendent Lopes to speak about that. Superintendent Lopes stated that being a regional school district they can't put money aside for long-range capital planning unless they have what is called a stabilization account. It is their only means if there is ever a situation where there is a little bit of a surplus they can put up the 5% towards the stabilization account if it is voted and approved by the school committee and the majority of the communities. The reason for the stabilization is that they have just spent quite a bit of money on the school and they want to make sure that they can maintain that building and they want to preserve it through not just an annual maintenance plan but there is a 5-10 year capital plan they have to go through so they need a stabilization account. They don't have any other means because they operate at foundation budget so they have to spend the money to meet minimum contributions. Right now without a stabilization fund they are faced with having to fix things on an annual basis which is fine for small things but if there is a new roof or major cost they can't spread that out over multiple years so it really makes planning very difficult. Ms. Coppola stated that this warrant article is really just giving them permission as a participating town to set up that stabilization account and it won't cost the town any more money. Superintendent Lopes stated correct, and the goal is to not ask for an assessment. In discussions with their school committee they made it very clear that they do have a pretty extensive adult evening program and postsecondary program and they would try to tap into those revenue sources to fund the stabilization account so they don't have to ask for a separate assessment of capital improvement. Any additional assessment would have to be voted and agreed by a majority of the communities which they know would be very difficult so each community would still have that ability to do that and it would actually be more transparent because it would have to be presented at the budget time if there was going to be any expense out of the stabilization account and it would have to be part of that in the communities which have the right to vote it down.

Ms. Brue stated that Superintendent Lopes had mentioned that they had to access the deficiency account so if they were projecting that they would have to contribute another \$600,000-\$800,000 next year. Superintendent Lopes stated that this year they are counting on \$575,000 of their E&D account which is about half of it and they are able to backfill that through some receipts of rental facilities, evening school and so forth so they typically backfill that several hundred thousand dollars a year so going forward that may become an issue. Superintendent Lopes doesn't know if they will be able to sustain being a foundation budget district with that assessment. That being said they are not alone, there are 32 regional school districts and entities, some not even regional school districts that are hit with this new assessment and everyone understands that affects about 137 communities so there is broad support to address this issue because basically under the statute is that they have to pay 100% once someone's annuity is exhausted which if you do any actuarial study that number is just going to go through the roof. There is a will to address that, and there is an employer that is paid each payroll period and that is something they can plan and budget for.

Mr. Keegan thinks their budget is very reasonable to them and asked how they keep their healthcare budget so low. Superintendent Lopes stated they are part of the Gateway group and a few years ago they started offering a GIC like plan which increases their premiums a little bit and they have usually been about 4% or so. Superintendent Lopes has seen people less on the indemnity side and more into the HMO side and that obviously helps a little bit in their part of

the Gateway group which is more of the South Shore group so they typically have lower rates. Ms. Bernard asked if that was a joint purchase in which Superintendent Lopes responded it is. Superintendent Lopes stated that used to be part of Plymouth County 10 years ago and they were looking at 18% increases and then they formed this group so it has been very successful for them. Mr. Scollins had assisted Superintendent Lopes quite a bit a few years ago with trying to get those rates under control so we want to thank him for that.

### **7:30pm – Discussion on Growing Opiate Addiction**

Ms. Brue stated that at the last Board of Selectmen meeting they had a presentation from James DeVellis, Lynda Walsh and Chris Long on this topic and they talked about bringing in someone to give them more background on this and she wanted to bring Susan Penacho and Chief O’Leary in. When Ms. Penacho is finished Ms. Brue wanted to invite Ms. Walsh and Ms. Long back up to talk about the program that is coming up in May.

Ms. Penacho works for CRC Habitat OPCO, Inc., she is a licensed alcohol and drug counselor and also a licensed mental health counselor with experience working for DCF and she is working for the non-for-profit and for-profit field of addiction treatment and has also worked for emergency rooms and crisis centers and currently has her own alcohol patient private practice.

Ms. Penacho stated that Ms. Brue had asked her to come and speak a little bit about the growing epidemic regarding opiate addiction that has been happening. For those of them that work in the field they have been seeing it happen much quicker than folks in the community it’s just now that it is hitting a level where it cannot be ignored. As recent as March 2014 Governor Duval Patrick declared a public health emergency in the state of Massachusetts in response to the growing opioid addiction epidemic. He specifically directed the Department of Public Health to take several action steps to combat overdoses. So it’s not just that there was this growing problem with people developing an addiction but not really seeking treatment in a timely way and accelerating in their use in such a drastic way that it was leading to unintentional overdoses. Not knowing how to respond to these overdoses or potential overdoses or even knowing how to identify them really led to some eye-opening experiences and a great deal of fear and concern. In particular because the overdoses that were occurring they were starting to see happen in an age group that they really wouldn’t be comfortable with, not that any age group is comfortable but when you’re looking at 15 through 17-year-olds overdosing on opiates it becomes alarming.

Quite a few things have happened since March 2014 but to specific things that have really had impacted and started to move things in a very positive direction was permitting all first responders to carry and administer Exelon or Narcan which is a safe and effective opioid and antagonist to avoid overdose. So for first responders having that on board and being able to also train family members or anyone that would like to be able to dispense it created a huge impact. They are also required to document so if you do receive the brief training on how to administer Narcan and you do administer it you are asked to report that to the state so that they can keep track of how many times it has happened and if it’s being effective.

The other thing that they really pushed on was accelerating a mandatory use of prescription monitoring programs so years ago it was an option if you went to a primary care physician or a

pharmacist and you are filling a prescription for any type of opiate it was a voluntary option whether or not they wanted to run your name through a prescription monitoring program which would just indicate if in fact you had recently filled another prescription of that type. Now they are pushing to say that it is mandatory. If someone comes in seeking treatment, a brand-new patient and they are complaining of pain, they need pain medication they are really saying it is your responsibility to run this just so they can curb if there is misuse or abuse happening.

Those are two of many things that they are really trying to push along with some centralized areas in the state of Massachusetts that are working on overdose prevention and building a community type task force and really trying to make a collaborative effort towards working on this problem.

Just today they were talking about how they had heard that the newest statistics for 2014 have recently come out and that sadly the overdoses hit a little over 1,000 in the state of Massachusetts. Prior to that in 2013 they had confirmed about 902 fatal opioid overdose deaths and 863 of them were unintentional. The numbers speak for themselves. With that being said they clearly know it's a problem. The epidemic is felt everywhere they can begin by looking at the impact in their hospitals so as Ms. Brue mentioned Ms. Penacho has worked in both emergency rooms typically on the weekend overnight shift and what they get on the weekends is anyone who is struggling a great deal with an addiction. Typically for some reason they don't see it as much Monday through Thursday but Friday through Sunday the emergency rooms are inundated and there isn't enough support to really meet their needs. What happens is when they finally find someone that has any type of addiction background you are that go to person because often times they are frustrated, they are seeing this person for the fourth or fifth time in the last six months and they say what you doing, why are you back again and unfortunately this is the type of conversation they hear professionals using and not because they're not empathic but they are frustrated, they don't know what else to do and the hospital emergency room isn't necessarily the ideal place to provide treatment and support for someone struggling with an addiction. They will call on social workers some of which have an addiction background but many of which do not. Ms. Penacho knows from preparing for her Master's degree she took one class in three years. It was a three-year full-time program on addictive disorders and everything else that she learned about addictive disorders she did through obtaining her secondary license postgraduate. So unfortunately while someone might be licensed in the field they may have very little experience with this particular problem.

Then you will see crisis centers also get inundated and most crisis centers are addressing outpatient mental health issues. When Ms. Penacho first started working in a crisis center about 11 years ago again she did it part-time per diem and she remembers seeing people come in and then they do a brief assessment or a screening to figure out if they are safe enough to sit with them for an evaluation or do they need to call some support and often times she remembers seeing clinicians not with any mal-intention but this is the way the field looked at it some would come in and say "it's drug use", give them a detox list and give them a phone and let them know that they have to call. These folks would sit in the waiting room and make phone calls to detoxes by themselves not knowing necessarily what they were going to get on the other line and there was no assistance because the thought was we are not an addiction treatment center, this is a mental health crisis center. The good news is that changed a great deal in the crisis center in part

because of herself and two other clinicians that really worked a great deal in other facilities with addiction and they really provided that support and stated that makes no sense they need to complete a full evaluation regardless of what they say their reasons is or isn't and they need to figure out what they can do to help them. Even at a minimum some of them came in with family members and even if they could talk to the family about what they can do, so it shifted but these are the things that these folks deal with when they realize that they have a problem. It is not as easy as you think it is to get the help that they need.

The very other tragic place and difficult place to manage is when they find out that someone has an opiate addiction as a result of a baby being born who is dependent to opiates. Often times you will see that women will risk not disclosing that they have an opiate problem for fear of what is going to happen such as treatment, judgment, will they find an OB/GYN that understands their situation, is DCF going to get involved as soon as I give birth to this child and not everyone's level of addiction is the same so you will see folks that manage their addiction for years without anyone knowing that they have had a problem other than those that are very close to them. What they do is they try to manage it on their own. Most hospitals now have a standard where they test babies so if their meconium comes back positive, which is their first stool, for any substances typically some type of DCF involvement is made. That doesn't necessarily mean it opens the case but they bring them in. The dangerous part is had they known that the mother was opiate dependent their treatment would have been different while they were pregnant versus not knowing. How do they support folks that have an addiction, to be able to reach out and ask for help is really crucial.

Ms. Penacho spoke a little bit about primary care physicians in the struggle they have and then finally the biggest ones outside the folks that are actively using are their families. Ms. Penacho feels that all too often they are the forgotten folks. Ms. Penacho started speaking or started being invited to speak at some chapters with Learn to Cope and she doesn't know how familiar everyone is with that but it is a great program and it is a peer led group for family members of those that have an addictive disorder. Right now there are about 12 chapters and one of them meets in Brockton and that was her first experience; she walked in and there were 52 people there. She only had 25 minutes to speak and she didn't leave and they had to ask that it be taken outside because of the line of parents that were in front of her wanting to ask her for additional information about what else they could do. Once again it is not just something that stigmatizes the individual with the addiction it also stigmatizes that family, they then start to fear seeking help because they don't want to out themselves. Some of the things she has heard them say and some of the struggle that she sees is really looking at their frustrations continue to increase because there is such a significant change in the presentation of the person; that is not them. Someone who is impaired does not behave normally so if you have ever been overmedicated after surgery you know that you are not operating as your normal self. With addiction it is tenfold so this is overbearing and painful for families. The families start to search for cures, answers, resources all the while they are watching and worrying if they are out in the street, are they going to die today, should I give the money, should I not give the money, should I kick them out or should I not kick them out, what is the right answer. They go back and forth with that they can trust what that person says, how much they can trust what they say in these questions, fears and anxiety just go on and on and it brings a lot of families and loved ones to the breaking point. Ms. Penacho sees marriages all the time and she has seen families separate and

become divided as to how to best handle this, it is really debilitating. Often times Ms. Penacho listens to families and the biggest thing is they will ask themselves time and time again did we do something wrong, what did we do, why is my child doing this and it has nothing to do with really anything other than the fact that they have access to altering substances at a rate that they have never experienced before. Ms. Penacho has three children and she always says she has no idea what could possibly happen because they spend very little time in her care. You work, they are in school, they are at games and they are with friends so you have no idea what they could potentially be exposed to. The rate of exposure is at a much higher rate even via the Internet, recently there was something on the news where they are ordering different substances called different things and when you get it, it is a synthetic so it is creating some significant problems for the kids that are taking it.

What Ms. Penacho can say is there are a lot of wonderful things that are happening so sometimes they need something to kind of shake us in order to bring us together because most of us do have the resources they just need to be more collaborative in their efforts.

Some of the things that Ms. Penacho has seen communities do is they are developing task force and the ones that she finds is most effective are the ones that have the support of the local law enforcement providers who are really invested not in selling their programs but in working towards providing support and resources. One of the biggest challenges is with opiate addiction in particular is that there is such a strong societal view about how to get sober, how to recover; should it be abstinence, should it be medicated and assisted, should it be residential, personally Ms. Penacho thinks it should be up to that person who is afflicted by the disease. If something works for them and they are building their life and they are demonstrating improvement we really are in no place to make a judgment or a call as to how they should or shouldn't proceed with their recovery. The stigma impacts this, access to resources and understanding levels of care. Ms. Penacho left a resource for the Board, she developed this a while ago and she does a lot of training and consultation, these are all the different levels of care available in the state of Massachusetts and underneath it will tell you the criteria. What most people don't understand is based on your insurance and what your current symptoms are and your symptoms could change within 2 to 3 days so depending on when they last used, how often they have been using and what's on board you could present one way today and three days later you are no longer meeting the criteria for that level of care. Ms. Penacho has seen people with addiction say are you serious; I have to go out and get high in order to get in and get help. She is not being critical of treatment centers she's just saying they really need to revisit the pressures that insurance companies place on them for this disease and looking at it, that it is a much bigger problem than simply did I just use yesterday or not. Most families are not aware of this so when they do try to help their family or their loved ones to get treatment realize it's not so easy. Their insurance may or may not accept them.

Ms. Penacho has a private practice and often times because she likes to speak and just get the word out it is something she loves doing, it is really a blessing to see how much someone can change their lives when they do get clean and sober and just how excited they are about the fact that it is possible as well as their families. Often times she will get referrals or people will call, she just had a mother who wants her so badly to work with her son and the insurance has denied it twice because they are not accepting new providers and there are enough providers on the list.

She is still working with him regardless for at least a couple of sessions to help the family but the fact they can't even choose who they want to work with, that is frustrating.

Ms. Penacho did look a little bit at the statistics in this area and it looks like Stoughton and one other area is actually doubled in overdoses in the last 10 years but all the others seem to have a slower increase which is good and this would be the perfect time to really build that community support, resources, prevention, education and looking at how we can get Narcan available to those folks who may potentially need to have it, maybe they have a child or adolescent they believe are using, it could save their life.

Anything that Ms. Penacho can do to offer help she will leave her cards with the Board and people can feel free to give her a call. Chief O'Leary stated that certainly the presentation gives them a good picture of the lack of resources that are available for people that do have problems with drug abuse. The District Attorney stopped by at the Police Chiefs' meeting earlier this month and he rattled off some figures because he has been working diligently on different programs and looking at it on a regional basis. They have actually had more people die of drug overdoses in the county last year than they did in motor vehicle crashes. The ages range from 16 to 63 and involved a cross-section of socioeconomic conditions for the people. A lot of the programs that they are doing now with the pharmacies are a result of working with the District Attorney's Office and they have actually hired a pharmacist to try and train workers at the pharmacies about using doctors and patients and medications to track where people are getting the initial opioids that eventually in most cases transfer over to other drugs such as heroin.

When they have a ring of crimes or break-ins very often when Chief O'Leary's staff does make an arrest they find that people have some severe addictions in if you think about \$200 a day going towards paying for someone that is really a very hard-core heroin user and needs to take 15 to 20 injections a day just to stay normal that is what they are looking at. They probably look at their own family budgets and say where would we come up with \$1,400 a week and with people that don't have a skill set perhaps because of their addiction to get gainful employment. It is something that is really crucial to our community and he was thrilled when Lynda and Chris have come up with the concept to stop putting them as a community on the right track to start taking steps now to hopefully reduce the risk of families here in Foxborough because it's not enforcement, that ship sailed a long time ago, but they have to find ways of prevention and some mitigation to make things easier for the families that have someone in their household that has developed an addiction and probably don't have the skill set to adequately deal with it.

Mr. DeVellis stated that Ms. Penacho was on their docket for 20 minutes and she probably could've spoken for 20 hours on this topic. The one thing that she had said is collaboration in law enforcement, funding, the government, social services, the clergy down to the funeral home director, it is a communitywide issue. It is starting to get headway here, it is kind of late in the game at many levels but Mr. DeVellis thinks you will start hearing it when you hear the police reports of people breaking into homes and they're going to put two and two together and it's not going to be too long when they have a death of one of the young kids that is really going to send the catalyst in. When something like that happens and there really isn't a place to go for the family or for direction that's why Mr. DeVellis feels it is so important to start talking about this and getting it out so it is not a taboo and people start feeling comfortable that so-and-so is a

heroin addict and you can talk about it because it is not going to get better and this scares the life out of him. The younger kids across the board and they are getting younger and younger in the general population is going to be very surprised; Ms. Penacho sees it every day but the average person if you ask they don't and it's here, and it's coming.

Ms. Long asked where there is a crisis center in Massachusetts for addiction. Ms. Penacho stated they do not have them and that is part of the problem she can actually send the Board a list that will tell them of all the towns and surrounding towns, every surrounding town has a crisis center the problem becomes what is the culture of that crisis center, what is their philosophy. The one that Ms. Penacho was working on when she first started working there eight years ago the mentality was if you came in and you looked like you are high or you looked as though you had a primary addiction they would say here's the detox list and have a nice day. It wasn't even having a discussion with them and find out what is going on. Ms. Penacho stated they were completely doing different things they were even paying for cab rides to get them to a detox. Because that's the other thing, they could get into treatment but then how do we get them there and there is no assistance to help them get there. So Ms. Long is right.

Ms. Long stated as far as the treatment centers and detox centers, it is ridiculous that kids have to get high before they go into treatment, if you walk in and you don't test dirty they kick you out. There are not enough beds. Ms. Penacho stated correct. Ms. Penacho stated there is definitely a lack of beds but there is also a lack of resources so for example when someone with an addictive disorder is on their last stretch, they have burned all their bridges, they are homeless and they are living on the streets, mom and dad are saying you can't come back in here, we can't take it anymore, which is understandable because sometimes the presentation gets really ugly and she is sure some folks have seen that, their primary issue may be addiction but sometimes you'll see it's a fabrication of symptoms to now get into other beds. Because they are not identifying the problem correctly to begin with, it is hard to then allocate additional spending for something that they really can't clearly identify. It is definitely a vicious cycle she would like to see specific treatment centers just for that.

Ms. Long asked about the treatment to check the baby's stools, how long has this been up and going on. Ms. Penacho stated that it is happening more often and depending on what hospital, each hospital has its own set policy but a lot more hospitals are doing that simply because just like with anything it is to help prepare as to how to manage the baby. Some OB/GYN's are now making it a standard to test pregnant mothers and again it's because of the concern not that they are trying to get people into trouble but if you do have an opiate dependency your treatment as a pregnant mother needs to be different, it needs to be considered a high risk pregnancy. That is the struggle that they are having but again it goes back to we should be facilitating an environment where mothers should be more open to saying I need help and that's what they need to push towards but in the meantime she thinks providers are trying to do the best they can to make sure that a mother is safe and that a newborn is safe.

Ms. Long asked Chief O'Leary if Patriot Place ever gets ambulances with overdoses, do you have any idea. Chief O'Leary stated he did not know but that he had been talking to Jim Grenier that maintains the transport logs to try and get some idea of how many patients they are actually

sending either from homes, other doctors' offices or places like the urgent care to find out if there is a percentage.

Ms. Long stated on the statistics of 1,000, that is a soft number right. Ms. Penacho stated that is what is reported. The nice thing is there was something that was also recently passed that is allowing them to better track this. There was a time when if someone called 911 as a result of someone overdosing often times people were in fear of doing that because everyone would be arrested especially if there were any narcotics on the premises and now there is something that is happening in which only if someone has a warrant would they be arrested but if they are calling to get assistance for someone because that's another thing people were leaving other people that were overdosing by themselves so it is only what is reported.

Ms. Walsh stated that Deb Spinelli has their flyers and are sending them out to the PTO and again it will be the documentary and they will have a panelist of professionals to answer questions and they are hoping that they can even get Ms. Penacho to come, she is very impressive.

Ms. Penacho and Mr. DeVellis had mentioned before that Governor Patrick and Governor Baker are putting money towards this but she would love to see where that money is right now. Ms. Walsh has gone online and has seen things up to 2014 but she hasn't seen where that money is going so obviously they would love to see that and more beds and facilities available to them.

What we can do at home is become aware of that it is here and give folks options of what they can do, who they can reach out to facility wise and so they understand that they are not alone, that there are other people out here.

They are having the movie May 6, 2015 and that will be at Showcase Live and they will have information tables there as well as the speakers and then again in May they are going to have a Walk for Steps of Hope at Gillette Stadium, it will only be a mile just to bring awareness to bring together the family, the addicts themselves, recovering addicts and professionals that want to come up there and have their information available as well. You will see more of this grassroots group of RAAFFT. At any point if anyone needs to reach out to them they are both in the phone book and they are here and don't be ashamed because you are not alone.

### **8:00pm – Discussion on Commercial Parking Regulations**

Chief O'Leary stated that they had done a revision of the regulations two years ago on the regulations that were in place so in 2013 he did send out an E-Mail through the Route 1 Businessmen's Association group just to let them know that they were going to be looking at the regulations and Chief O'Leary didn't know if there was anything specific that the Board wanted to see looked at or approved. In terms of revising them Chief O'Leary would certainly want to have a working group as they did two years ago to have input from the people that are actually operating the various lots along Route 1 corridor. Ms. Brue stated that the topic came up because of the recent inspections that were taken, that there were certain lots that had excessively high numbers over their licensed figure. At the time there was a concern that there was no penalty aspect to the regulations but in fact there is a penalty in the regulations. Chief O'Leary

stated 15, there is a penalty for a first offense of \$100 per violation and Chief O'Leary would read that, that each car over the allotted number would be a unique violation. If the price of parking 100 extra cars and collecting \$4,000 is you only pay \$100 fine even with Chief O'Leary's limited business experience knows that that isn't really a bad deal. There is a penalty they are in he thinks some of the feedback from the people that he has spoken with were reluctant certainly to have the state police involvement; they had offered to do a service and Chief O'Leary couldn't get out with more planning to do but he knows that this coming year he will put that as one of the multiple priorities that they have when they are doing events to have Foxborough people involved in doing the verifications on the numbers. Mr. DeVellis asked when Chief O'Leary says Foxborough people does he mean the Foxborough Police. Chief O'Leary stated yes. Mr. DeVellis asked why the State Police versus Foxborough Police. Chief O'Leary stated that the Captain that was running the detail offered that he had people available. There are certain times that Chief O'Leary has to have people available as people are entering the stadium but as they filled to capacity the people that he has are then engaged with the crowds that are there for the event. The state police are the opposite, their wave is the people arriving in cars, getting them into the lots so that once they corral everyone at an event they are the ones that have the capacity to go around and look at lots and do counts so that was one of the reasons it seemed to make sense at that time.

Ms. Coppola stated that the report the state police did brought this to the Board's attention and there were some lots that were only five cars over but there was one lot that she believes if it wasn't 100 it was almost 100 cars over which is pretty egregious. She also wanted to know if that was the first time the parking lots had been checked to make sure that what they were licensed for they were actually parking to that limit and not over that limit. Chief O'Leary stated to his knowledge they haven't done any regulatory inspections ever. He knows at one point when Chief Boswell had his people doing car counts just to make sure that they had adequate width and he knows at different times Mr. Casbarra and the Deputy Fire Chief, Steve Bagley have gone out just to verify but it is something Chief O'Leary is willing to take on the task for his staff to make sure that they do have compliance with the limits that are set by the size of the law and its layout.

Ms. Coppola asked if anything happened to the people that were egregiously over, did they get fined. Chief O'Leary stated no, he sent out letters to those that were significantly over and he talked with the nine people individually, making contact with them, to go over what the regulations are and he felt that that initial warning to that group was adequate. Certainly if they go back and it is the same people then they would probably issue some type of fine mechanism; Chief O'Leary would almost think that that would have to come before the Board of Selectmen again much like a liquor violation to prove their case, have evidence and have representation by that lot operator and then if they were in violation the fine would be determined by how many cars over that particular lot is.

Ms. Coppola stated if they had that one particular lot egregiously over so what is happened since then obviously land must have been cleared to do those extra hundred cars, is it obvious now if there is an event there, is there a demarcation on where is the licensed part as opposed to what was the extra. Chief O'Leary stated it depends on the lot and how their staff was directing traffic. In many cases it is on gravel lots, packed grass, so it is hard to delineate exactly what the

layout would be. It is not an organized shopping plaza lot with their lanes of traffic in lanes or parking stalls. Ms. Coppola stated if a lot was licensed for 56 cars how about if they had 56 pieces of paper that they could hang from their rearview mirror and as the cars come in hand them out and when that last piece of paper is gone, that's it, the lot is full. Is that something that the Board can make part of the regulations so they could control it? Chief O'Leary stated certainly he would want input from the people that do it and he knows in talking with people several of them use a method that Ms. Coppola just described. They know what their parking limit is and once they reach it they closed their lot because they don't want any particular problems. Ms. Coppola stated it is best practice for some people but the Board should make it best practice for everyone. Chief O'Leary did not know if this would fit all the lots that it would certainly be a discussion point.

Ms. Coppola stated that she is concerned that the license holders that stick to their number of licensed spaces, it is unfair to them to have someone parking 100 extra cars. She would think that the parking lot owners would be willing to make sure that everyone else are following the rules and regulations of commercial parking. Chief O'Leary stated that they might perceive that but he doesn't know how the lot operators themselves would perceive that and that's why it would be probably good to have a meeting and maybe a member of the Board of Selectmen take part with the subcommittee and himself. Ms. Coppola stated she wouldn't mind doing it.

Chief O'Leary had asked some of the operators to come to the meeting tonight so they would be aware of what they would be doing and they would certainly want to participate with them. Chief O'Leary stated tomorrow morning he will send out an E-Mail and see what they can do with putting together a group and he knows they are in the process of preparing the parking licenses coming out July 1, 2015 and it would be ideal if they were going to have, and he knows the Board of Selectmen have a very tight time schedule in terms of meetings if they could come back to the Board so that prior to the issuance of FY16 if they were going to be any amendments to the current licenses those would be incorporated.

Ms. Brue stated that at the time of renewal if someone had decided that they needed or wanted to park 100 more cars they could apply for a higher number for the license. Chief O'Leary stated as people develop their property or property for other uses they can amend their license that fits their needs and at that point they do have to bring up plans that are then reviewed by the fire service, the turning radius issues with the bigger pieces of equipment but yes, they have an opportunity if they have expansion.

Mr. DeVellis asked for a little clarity on the issues with fines and penalties. It sounds like the Chief is running an analogy for the fines for the liquor licenses and the fines for parking and for liquor licenses there is a set process for public hearings and when he reads the parking regulations it is criminal or a \$100 fine and he didn't read that if they issue a fine they have to come before the Board of Selectmen so as a group forms and goes forward could we at least get some clarity if he wants to issue a fine. Mr. DeVellis stated as the Chief would issue a fine and if they wanted to appeal it, it may be that it would come before the Board of Selectmen or a different level but as the Chief issued six fines Mr. DeVellis does not expect six public hearings to talk about a \$100 process on this. Chief O'Leary stated certainly there are different bylaws that a civil penalty can be assessed whether it is through the Building Commissioner's office for

example the use of marijuana in a public space is a \$200 fine that a person would get a ticket that they would then pay. Chief O'Leary didn't know what involvement the Board might want to have in this process and he knows with all that is happening within our community that the Board does not have a lot of free time to be tied up with this. Mr. Keegan stated that he and Chief O'Leary have been talking about this and the Town Manager is supposed to be the Hearing Officer which he could serve in that capacity and listen to the appeals if brought to his attention. There is a lot of room for discussion on this and coming to light the last year was certainly disturbing to see that some lots were excessively high in the things that need to be addressed because they want everyone to be consistent about it, otherwise what is the purpose of having a license.

Ms. Davis stated that she is not sure if all the licenses are similar to the one she has on North Street, hers is a temporary parking lot and she believes the application just last year from the Board of Selectmen's office stated that the number of spaces could not be expanded upon.

She believes there is a similar vehicle in place like residential parking, specifically main streets and some of the issues they have had in the past, there is also a vehicle to find people that do not have licenses at all and she wondered what the Board's opinion of that is and what actions they might do moving forward with that. Ms. Brue stated the terms of that language about not increasing the number of spaces, she does not remember it being discussed in front of the Board but to her it makes sense that if someone has the ability to do that, as long as they are willing to pay the application process. Ms. Coppola stated that she and Ms. Jarvis had been speaking about the application process before the meeting and she had mentioned that Bill Casbarra had made that ruling last year; spaces could be decreased but not increased. Ms. Coppola stated that Mr. Casbarra should actually be involved with the regulations. Mr. Keegan stated he had already spoken with Mr. Casbarra. Chief O'Leary stated that he knows Mr. Casbarra has taken on a lot of the responsibility of non-licensed operations and has taken some people to court because of their aggressive parking operations in neighborhoods. Ms. Brue stated in terms of enforcement of the non-licensed lots is there a plan for that. Chief O'Leary stated they have done it in the past and they would certainly continue it as an overall safety thing for neighborhoods because there are a few houses that don't seem to be operating friends and neighbors every weekend or private parties operations which cause concern.

Ms. Coppola stated getting back to North Street they had that ongoing problem of the limos and cabs idling during events and waiting to pick up people and they were supposed to get those signs on North Street to address that problem. Mr. Keegan stated the signs have been ordered. Chief O'Leary stated he and Chris Gallagher have had conversations and they have gone up and resurveyed the area because some of the signs have faded over the last 40 years that they've been up and also to have wording about not just parking but standing which would be a live parking situation so they could take more action on it. Ms. Coppola stated the taxis do idle as she has had to take on occasion a taxi up to Rodman Ford to pick up her car and she was just talking to the taxi driver and he was telling her all about how they idle when they are waiting for someone. It was antidotal before, because the taxi driver told her that there would be 15 taxis lined up and people doing exactly what Ms. Davis said at the meeting we had, disposing of trash so there are problems on North Street. Chief O'Leary stated also as well as other streets such as Pine Street and other locations. The stadium at some shows has tried to have a drop off and pick up barrier

especially when they do like a Taylor Swift concert or one of the One Direction shows and that seems to clog the traffic even worse because now parents are coming into the grounds at 9:30 and they are trying to find a spot to park and then getting additional cars out of the facility. It certainly makes it a longer commute for a lot of people. Ms. Coppola was told by the taxi driver that he was not allowed to bring people into the stadium area that was forbidden by the stadium personnel and that was one of his complaints. Chief O'Leary stated if they remember during some of the shows they had last season when they weren't using the luxury suites as much they tried a test program on Putnam Pathway in which cabs for some of the shows were able to go in and out to see if that would be more effective and Chief O'Leary found it very effective for getting people at the end of the show they could cue within a lighted area in the stadium parking lot and the cabs will come up, pick people up and get them out of the area so that was a successful venture because it kept cars for the most part away from North Street because they knew they could get a cab instead of having all the cabs congregate in different areas such as Ashcroft Lane. Ms. Coppola remembers when Ms. Enos came before the Board before that was one of the questions she asked if they were going to do the taxi drop off as they had before. She said they were doing it, is that something the Board could do for the event licenses, mandate it. If it will relieve North Street and it will make things smoother. Chief O'Leary stated let him talk to Matt, the parking engineer to see if that is intentioned. Unfortunately for the biggest events such as Patriots games, that is not available. Ms. Coppola stated that most of the problem with North Street is on concerts. Football games are an educated audience, everyone knows where they go, it's the concerts where people come once in a lifetime and they don't know what to do, they get dropped off at North Street and the taxi driver says come here and we will pick you up and then there are lines at North Street of cabs and people. If they had a better system of actually bringing them into the stadium through that roadway, dropping them off and then say a cab will pick you up here. If it was successful before it should be successful all the time. Chief O'Leary will address it with them but he doesn't think there is a requirement for them to do this and with the amount of construction that is going on, on the property he doesn't know where they would necessarily reestablish a lot. Ms. Coppola stated they also have to consider the neighbors on North Street; they are the people that live here and pay taxes. Mr. DeVellis stated it is a double edge sword because it relieves the cueing in some areas but if you open it up to taxis, you will get vans and taxis and the people on North Street did not want a throughway for minivans and taxis all day long. It is an inconvenience on one side but there are also neighbors that don't want that traffic going down Putnam because there is a history of vehicle trips a day and it has all been calculated and it is not just a quick open it up for taxis because that could bring on issues as well. Ms. Coppola stated it is worth giving it a good try not just one concert it may be a season to see how it works out.

### **8:25pm – Discussion on Public Records Request**

Mr. Keegan wanted to share with the Board some final thoughts and comments about his actions related to a public records request issue and he wants everyone to understand why he was so reluctant to release a draft warrant document.

First and foremost at the outset of the warrant process there were multiple versions of the draft warrant and that is not something that is uncommon, it happens quite often. His concern was not too widely circulated that it would more than likely change until it was ultimately finalized. That concern to not confuse the public on which document would ultimately be presented for action at

town meeting. His reluctance in not releasing the information was born entirely on the premise of releasing accurate information once it was finalized. There is no basis that he was purposely withholding information from public disclosure to chill debate, which is simply not true and patently false.

On Patriots' Day of last week the Assistant Town Manager and he met with the editor of the Foxboro Reporter, Mr. Bill Stedman and Mr. Frank Mortimer to try and discuss their collective understanding of how the law was applied in this instance. Following Mr. Keegan's research with the two state agencies who administered these laws he acknowledged later that week that his understanding of the law was flawed. During that same week, last Monday, they all came to an understanding as to how they will try to address the issue with these matters going forward. They agreed that they would meet more regularly on topics of concern to the news media. Mr. Keegan has committed to working on internal policies and improvements on this topic and secondly they have requested and been granted assistance from the Public Records Division who will come out in June and provide some updated training on the public records area. Finally he has reached out to his Professional Managers Association and told them of the problem that he has encountered in this area and has offered to address this matter with his colleagues so they can avoid any similar type of pitfalls.

As a final comment, this was a learning experience for him and this serves to prove that you are never too experienced to be corrected. While some may argue that the impact of this mistake was somewhat limited he would argue that no mistakes should be taken lightly and they should all take steps to learn from this experience. He for one regrets this experience ever occurred and will remember it for a long time to come. Again, more from a learning experience that the law is a complex law in many ways, they are intersecting laws, there is a public record law and an open meeting law and in 2010 the open meeting law actually changed the dynamic a little bit and so caused a level of confusion there. That's why he wants to bring the public records folks out here so we can develop practices, policies and procedures so they can handle it properly going forward so they don't run into these instances.

Again, everything that was done in this instance was done to provide accurate information to the public without any intent to try and withhold information purposely from anyone.

Ms. Brue stated that he is going to schedule a training for all employees and open it up to boards and committees. Mr. Keegan stated he is going to open it up for everyone. The problem is you can only get them to go out there during the day so they won't be able to do that but what they will do is try and get as much information that they can share and maybe do a mini seminar for other boards later on. Mr. Feldman asked if they could tape that seminar and post it as a webinar or something like that. Mr. Keegan stated yes, they have actually done that with other seminars. Ms. Bernard has spoken to the person that is coming out to present this and asked her if she would allow us to tape it and she said we could.

Mr. Keegan stated in fairness to the press and he has spoken to Mr. Mortimer and Mr. Stedman at length and he thinks they have a good working relationship on how we are going to proceed on this matter going forward. The information that town counsel acted on did not have the piece that this document had been circulated at open meeting. He said if he had known that his

position would've been somewhat different. If it was just an internal document being circulated amongst staff members that would've been a little bit different. Ms. Coppola asked if he meant because it was discussed at the Adcom meeting. Mr. Keegan stated that they had discussed it in open session and even though they didn't have the actual document in front of them, we just had the listing in front of us and the issue there was that it was discussed openly at the Adcom meeting which changed the dynamic for that situation. Mr. Keegan has always worked under this premise and he has never been questioned on it so it was something that he never realized was an issue.

Mr. DeVellis stated with the discussions he had with Mr. Keegan, his intent was not for any other reason it is just that it is what he has done in the past and that's what he thought was right. Mr. DeVellis has a concern that kind of elevates over; he looks at this as two different issues. One is the open meeting law and the other is the public records law and there was some interaction. What concerns him is if the issue was distributed at the Selectmen's table and it was discussed publicly that is the open meeting law. So once it is a used document everything is fair game. What Mr. DeVellis' concern is, his finding, if he says he didn't know that so be it and he would've changed his opinion. Mr. DeVellis thinks he's wrong on this; the exemption that he is citing is an exemption for information that is under deliberation that it would harm the public if it got out. Mr. DeVellis has spent a lot of time with the state on this over the last couple of weeks and the open meeting law and they agreed that once it's on the table it is out. The public records is telling him that regardless if it is on the open table or not that warrant article in its infancy, in its draft all the way up until it is final is a public record. Basically at the end of their attorney's findings the biggest reason not to give it out is it would confuse the public. So if someone takes it and says here is a warrant article and someone puts it in the paper or distributes it and it is not final it will confuse everyone. Mr. DeVellis stated that this is the public process and to put draft on it or whatever; you can't hold back a document because of that. The statute does have limitations so if there is a warrant article in there that they were going to change the zoning on something and they have set a price on a building that they are going to sell and there is harm to the town if it goes out and a developer gets that information too early and it is changing that's under deliberation and that may be exempt. That is one article out of 20 articles so if someone asked with a warrant article then someone that is versed on the public records would go through it and they would redact that, they would take that one item out and they would say here you go. He checked with different attorneys and the state and they are basically saying the exact same thing. So if our attorney is telling us that it is exempt because it is going to confuse the public and he is not citing anything in here he thinks he is wrong and he has to take a second look at that with all the information. So in other words a piece saying it is public only because it is on the table he still thinks that is wrong and he wants that resolved obviously before the next town meeting but Mr. DeVellis' question to him is maybe they have him in here and have him explain it and if he is wrong then he has to take the open meeting law class. Education is good and every time there is an issue everyone has to take it but Mr. DeVellis took it in 2008, he took it in 2010 and he took it in 2012 and he gets the updates so he is not taking any more open meeting law sessions because staff or attorneys make a decision. This is a very important issue for Mr. DeVellis, they are going to talk about it in June and he would like whoever asked the attorney for their opinion to have him take a second look and Mr. DeVellis can give him the E-Mail that he got from the state that says perhaps he is wrong.

Ms. Brue asked if they thought it would be helpful to have both Mr. DeVellis and Mr. Keegan work with the attorney to go through this because she thinks sometimes it is hard if both parties are not hearing the same question being asked. Mr. Keegan stated that is a key point because he brings it up based on a certain set of facts which were absent with that piece that the document was circulated so perhaps he is looking at something differently as well. So Mr. Keegan feels it would help to have that conversation to understand where his position was on that because Mr. Keegan has spoken to several people and they are under the impression that the deliberation process is different and it is different from what Mr. DeVellis just described. Ms. Brue stated that perhaps Mr. DeVellis and Mr. Keegan could work with the attorney and perhaps talk to the Attorney General's office and come back with town counsel and share the information.

### **8:35pm - Discussion/Possible Vote on Omnibus Motion to Support Water & Sewer Commission Actions**

Mr. Keegan presented to the Board an action and stated that this is the action that is prepared by special counsel to the Water & Sewer Commissioners as well as town counsel. It is a pretty lengthy motion because obviously there have been a lot of actions that have occurred between 2013 and now so they have to go back to December 4, 2013 when the action was actually taken so they are trying to address that proactively and what this action does effectively is confirm the actions taken by the Sewer & Water Commissioners so they will not leave their actions hanging out in the wind so to speak. Mr. Keegan thinks it is really important to have this conversation and to have the Board take action on it.

The purpose of this is to address all the normal actions the Board would've taken and any one of the issues Mr. Keegan has looked at there are not a lot of actions that specifically have been taken but in terms of selling capacity, there was only one instance where they sold capacity between July 1, 2014 which was the first opportunity they had to sell flow capacity. Mr. Keegan has actually researched that as well. Mr. Keegan wanted to have the Board take an opportunity to read this and if they are comfortable with it they can actually act on it tonight if not they can hold it until the next meeting but Mr. Keegan thinks it's important to try to get this resolved sooner rather than later. Ms. Coppola read the motion into the record.

Ms. Coppola moved that the Board vote to ratify and approve acts of the town's Board of Water & Sewer Commissioners which were voted, determined or entered by the Commissioners on or after December 4, 2013 to current date including the following:

- the setting of water and sewer rates
- the acceptance and the conveyance of any interest in real estate relative to water and/or sewer operations
- any decisions or determinations concerning the disposition of an application for a disposition for an abatement of rates, fees or charges
- any decision or determination to impose water use restrictions
- the approval or denial of any application for a permit for water service, water maintenance installation, a sewer connection or sewer extension
- the adoption of water and/or sewer rules and regulations and amendments thereto
- the setting of water and sewer permit fees, penalties and minimum charges

- the declaration of any emergency operations
- the execution of an agreement entitled “Agreement Establishing the MFN Regional Wastewater District entered with the Towns of Mansfield and Norton in January 2014 to establish the MFN Regional Wastewater District in accordance with the provisions of Chapter 101 of the Massachusetts Acts of 2010 the appointment of a representative or representatives of the commissioners to serve on the Wastewater District Commission of the MFN Regional Wastewater District”.

Seconded by James DeVellis. **Vote 4-0-0**

Ms. Brue asked Mr. Keegan to explain item number two - the acceptance and conveyance of any interest in real estate relative to water and/or sewer operations. Mr. Keegan stated this would be in the event if they had to acquire any property or easements. Ms. Brue asked if this was something that had something to do with the MFN and a property acquisition in Norton. Mr. Keegan doesn't have any information on the actual land that was acquired.

Ms. Coppola questioned the approval or denial of any application for a permit for water service, water maintenance installation, and a sewer connection or sewer extension.

Mr. Keegan stated the acceptance in any conveyance he was thinking more along the lines if they needed any of the land to build an actual sewer line.

Mr. Feldman asked if everything on this list has already happened in which Mr. Keegan responded yes. Ms. Coppola is assuming that everything that happened on this list happened within the borders of Foxborough. Mr. Keegan stated yes.

Ms. Bernard stated she had some information on that one sale and it was the only sewer capacity that was sold since July 1, 2014 was 60 gallons per day sold to 16 Sherman Street where they added a single bedroom. That was a letter from Mr. Keegan to Mr. Hill on April 24, 2015 entitled “Sewer Sold After July 1, 2014”. Ms. Coppola stated that was in response to her question.

Mr. Keegan stated if there is anything else that the Board is not comfortable with he can get answers for them. Mr. Feldman stated he thinks they have to resolve this.

**Vote 4-0-0**

### **8:45pm – Town Manager Evaluation**

Ms. Brue asked Ms. Bernard to give a brief description of the process that she just led the Board through.

Ms. Bernard stated that they engaged in a process at the direction of the Board of Selectmen at the conclusion of Mr. Keegan's first year and they reviewed two sample evaluation documents and the Board selected one that was borrowed from another town and they had Mr. Keegan fill out the self-evaluation form and they circulated that to the Board for their comments. Each

Board member completed an evaluation document on the town manager and sent that directly to Ms. Bernard. She compiled those results and they also included Mr. Keegan's goals and objectives for everyone's information. Ms. Bernard compiled those results and came up with a summary of the key points of that evaluation. She has that evaluation for the Board tonight and she believes it was a pretty smooth process and she wanted to thank the Board for their quick and thorough responses, they were very thoughtful and very helpful. Ms. Bernard bolded the categories that Mr. Keegan was rated on and summarized in some cases what the consensus was and she pulled out some quotes that she thought were especially poignant and then on the second page a list of accomplishments that were credited to Mr. Keegan and then the Board has set some objectives for the coming year. These are in conjunction with some of the items that Mr. Keegan put in his self-evaluation.

Ms. Brue read the Town Manager Evaluation Summary into the record from April 21, 2014 to April 21, 2015.

The following is a summary of Bill Keegan's performance evaluation for the past year.

### **Leadership and Effectiveness**

Bill has "clearly and unequivocally established himself in the role of town manager". He possesses strong leadership skills and has gained the respect of the Board of Selectmen, employees and citizens.

### **Planning and Organizing**

Bill exceeded expectations in planning and organizing to include the establishment of a working group to develop a strategy for the replacement of town hall, combined a facilities maintenance plan in the town meeting and warrant process. Bill's professional assessment of the needs of the town and his strategies involve looking at the big picture while reaching out to build consensus.

### **Communication and Community Relations**

The Board felt that Bill had exceeded expectations in this category. He was lauded for his open communication with the Board of Selectmen members as well as development of positive business and community relations "he digests and handles issues with constructive aplomb and is always taking the high road".

### **Problem Solving, Innovation and Decision Making**

Bill achieved and exceeded in this category by always reaching out to Board members for their input and expertise so he can make an informed decision. He has successfully defused situations by learning the facts and bringing parties together for a positive outcome. He has inherited some problems and has dealt with them effectively.

### **Budget and Financial Management**

Bill successfully achieved his first year in the budget process and it ran in a smooth professional manner as a result of Bill's leadership. He has been working well with the Finance Director, School Administration and Advisory Committee to make the process understandable and transparent resulting in a balanced well-thought-out budget for FY16.

### **Customer Service**

Bill demonstrates tact and the ability to address difficult situations. Bill is outgoing and approachable with positive outreach to residents.

With perfect evaluation marks in the category of personal, professional and organizational integrity one member felt that this is his strongest asset. "He is honorable when conducting business and exercises fair and unbiased professional judgment always advocating for what is best for the Town of Foxborough." "Bill demonstrates high ethical standards and great integrity."

Bill exceeded the Board's expectations in cross department organizational management not only bringing town departments together but also working well with the school department to collaborate on centralized IT facilities and facilities management. He demonstrates a team approach to government.

### **Accomplishments**

Gaining the confidence of the Board of Selectmen, town employees and citizens through purposeful leadership and communication. Bringing the town to consensus on a new town hall. Working closely with the school department on an IT budget and establishing a facilities maintenance plan. Successfully negotiating contracts and finding a new era of mutual cooperation. An organized approach to the town meeting and warrant process, creating expectations for employee conduct and professionalism and established a new team of an Assistant Town Manager/Human Resources, Executive Assistant, Labor Counsel and Special Counsel. Creating a better dialogue with the Route 1 businessmen, the Kraft organization and setting the groundwork for economic development consistent with the town's Master Plan. Developing a fiscally conservative budget process and a great job in establishing a line of communication with the community with broadcasts on cable, meeting with seniors, and meeting with the Chamber of Commerce and other community partners.

### **Objects for Coming Year**

Establishment of a business economic committee to promote economic growth but especially in the business nodes as noted in the Master Plan. Work with town employees on growth and development opportunities to further foster a professional workforce and seeking continuous improvement. Upgrade websites with information from all boards and committees especially the posting of meeting minutes. Work with the Permanent Building Committee on town hall design and finances. Simplify the town's waste hauler arrangement. Implement best practices and continuous improvement programs for all operations. Water and sewer needs capacity versus

infrastructure needs and cost. Remain fiscally responsible. Institute a process for monitoring department budgets on a monthly basis. Identify steps necessary to obtain AAA bond rating.

### **Summary of Overall Evaluation Comments**

Bill's first year as town manager has clearly been successful. While certainly not devoid of challenges or controversies Bill has with professional vision and a few pounds of grace brought the town to a better place than we were a year ago. Bill is a true asset to the community and that will only grow as he settles into year two.

Respectfully submitted by Mary Beth Bernard, Assistant Town Manager.

Ms. Brue stated they should have a conversation about salary increase at this time.

Mr. Keegan wanted to thank the Board it has really been a pleasure to work with all of them throughout the past year. It has been a tremendous experience for him and not devoid of controversies but we're trying to work through that. Having said that he is really pleased with the staff, Mary Beth has been an asset to him and to the organization and working with Randy has been tremendous for him personally and just all the folks that have come on, Marsha, Debbie, and it is just been a tremendous experience for him as well. He looks forward to a number of years going forward and continuing to develop a momentum which they are really starting to build now with the relationships inside and out of the building, working with the Kraft Group and the Businessmen's Association and working with the various business partners they are going to develop over the next several years. They are not always going to agree on things but they are going to do it effectually and do it with a lot of interest on behalf of this community.

Ms. Brue stated in terms of talking about a salary increase for Bill she asked Ms. Bernard to give them an idea on where they are with the budget.

Ms. Bernard stated being new to the process she wasn't sure how this was discussed but she was assured that this has happened in public meeting. She checked with Mr. Scollins on this line item for nonunion salary increases and they are currently budgeted for a 2% COLA for the town manager's position and it is Ms. Bernard's understanding that Mr. Keegan has decided to forgo a step increase on July 1, 2014 so this year there is a step increase budgeted as well so that would be a total of 4.5% and that's in keeping with the executive pay plan process and it is in the budget for this year.

Mr. DeVellis stated he was not prepared to talk about salary because he wanted to take a look at the contract from last year and thinks of the big picture and what the other staff members are getting. He remembers a few years ago the Board went in one direction, the town manager wanted a raise and no one else got one and there was an upheaval. He does want to look at Mr. Keegan independently plus they are down one Board member, could this be put off to the next meeting. Whatever the Board decides is probably retroactive. Ms. Bernard stated it would be effective July 1, 2015. Mr. DeVellis stated they can certainly have the discussion but he is prepared to vote on a salary adjustment tonight. Ms. Brue stated that given that the Board may change in a week, their thought was that they would have this done before that happened and

complete the process. Ms. Bernard stated that Mr. Gray had actually submitted a suggestion for salary. Ms. Brue asked what he had suggested, Ms. Bernard stated 3.5% but they had not discussed the budget because he has been away. Mr. DeVellis asked if this was 3.5% with the COLA, Ms. Bernard stated there wasn't time to discuss a step; it was just a COLA increase. Ms. Bernard stated it was just one line. Mr. DeVellis stated he wouldn't know what the cost of living increase was so he was saying the cost of living is a step; Ms. Bernard stated that she had no opportunity to speak with him about this.

Mr. Feldman asked what was budgeted right now is combined at 6 ½%. Ms. Bernard stated no, 4 ½%. Ms. Brue asked if this was in line with the other employees, both union and nonunion. Ms. Bernard stated for the current fiscal year there was a 2% salary increase and a step, Mr. Keegan did not get the step this year. Mr. Keegan stated the union pieces still being negotiated so they have not finalized that. Ms. Bernard stated right now they are only looking at the non-managerial part-time seasonal people everyone is budgeted for all the salaries to go up 2% and then a step.

Mr. Feldman stated he thinks if it is budgeted and in line with what has been consistent to the rest of the employees he has no problem with it. Ms. Bernard confirmed with Mr. Scollins before the meeting that this was in fact the number.

Ms. Coppola stated that she also did not think they would be voting on this tonight but she understood Ms. Brue's concern that this is the last meeting for this iteration of the Board and Mr. Gray did give his input. Ms. Coppola agrees with Mr. Feldman if it is already in the budget and it is consistent with the other people she would agree and she really does believe that Mr. Keegan has done a wonderful job. This town was dysfunctional at best and she thinks Mr. Keegan has really proved that he has lived up to his resume so she would have no problem voting tonight.

Mr. Keegan stated that he would like to voluntarily offer some thoughts here, where the Board was talking about 4 ½% and Mr. Gray had stated 3 ½% he would be willing to settle at 4% if that will take some pressure off the table even though he knows 2 ½% has been given to the other employees and 2% is COLA, he is perfectly happy with that and he wouldn't object to that but he doesn't want to talk about the other side of that but he is trying to be fair about it too.

Mr. DeVellis stated to be honest he has a problem with that because if Mr. Keegan deserves it and you are worth it then why take less than everyone else just to make it convenient for the Board. Mr. DeVellis appreciates what Mr. Keegan is doing and it gets the Board out of a bind, but is not being fair to Mr. Keegan. Ms. Brue stated that Mr. Keegan's performance exceeds expectations so she would support 4 ½%.

Mr. DeVellis stated that years ago they went to a merit system where they would reward people who went above and beyond and mixing the private process with the public didn't go very well so now they are back to the steps and to base someone's merit on what everyone else is getting right or wrong it is tough for Mr. DeVellis to do that, why do this job performance if you're going to get what everyone else gets. You should be getting more if you did more or if you didn't in fairness you should be getting less. Just because it is budgeted and the money is there he should be getting the same thing, it just drives him nuts to do that.

Ms. Brue stated she is looking at it as that number in total, if you are in the private sector that is a really great raise. She is not looking at it like a COLA plus, this is a great evaluation and this definitely warrants and exceeds an above average increase.

Motion made by Virginia Coppola to award Bill Keegan, Town Manager, an annual increase of 4 ½%. Seconded by David Feldman. **Vote 4-0-0**

### **9:05pm – Town Manager Update**

Mr. Keegan stated they had a request to consider a way in which they could actually recognize the entrepreneurial spirit of this community and he had some thoughts about this recently. Not a lot has been discussed about the entrepreneurial spirit of especially young people trying to develop their own businesses and his thoughts are that they should try and recognize that as a community and he therefore developed a proclamation which he would like to have the Board read into the record if they are so willing to designate the month of May in celebration of entrepreneurial spirit month and actually then ask and reach out for any young person or older person in this community who is actually developing a new entrepreneurial business that actually leads and helps our local economy. Especially those businesses that are actually developed by a youth in this community, the young workforce but at the same time acknowledging that all entrepreneurial spirit is something that we should all celebrate on a regular basis. Mr. Keegan proposes this to the Board and if there are individuals in the community that want to start their own businesses or have been starting their own businesses he would be happy to send them a letter and if the Board wants to acknowledge individuals he would be happy to send them a letter personally congratulating them.

Ms. Brue read the following proclamation for the town of Foxboro.

Whereas the Town of Foxborough has an interest in celebrating the entrepreneurship of its citizens and whereas entrepreneurship does provide opportunities for students and future entrepreneurs by fostering personal and professional growth and whereas the Town of Foxborough acknowledges that the entrepreneurship of residents is important to the long-term growth of this community and whereas the Town of Foxborough acknowledges admiration of entrepreneurship on an annual basis and whereas the Town of Foxborough congratulates entrepreneurs on maintaining and managing their own businesses and wishes them continued success. Now therefore be it resolved by the Board of Selectmen that the month of May be designated as entrepreneurial spirit month in the Town of Foxborough. In witness whereof we have set our hand and cause the seal of the Town of Foxboro to be affixed on this 28<sup>th</sup> day of April 2015.

Mr. Keegan stated any entrepreneur that is in the community and you don't necessarily have to have your business here but if you reside here or if you are from here they would be happy to learn who those people are and they will present their names at the next Selectmen's meeting or actually the next two Selectmen meetings which are during the month of May and if there are individuals that we would like to recognize or knowledge then he will personally send them a letter thanking and congratulating them on behalf of this community.

Mr. DeVellis asked if he could offer a name. Mr. DeVellis thinks this is a wonderful thing and next year when people realize that we have this he thinks they will strive for this. The person Mr. DeVellis has in mind is Kevin Martinetti, he was a senior last year and an honor student, and Mr. DeVellis actually coached him on his basketball team; he went to UMass and he is at the business school and he has already come back to Foxborough and hired eight Foxborough kids for the summer, he has a painting job and is looking between the Foxborough High School kids who are graduating and the senior kids from last year so is talking about hiring 15 people for the summer and they are already spending over 40 hours and if the vehicle is to have the town manager to write a letter referencing the entrepreneurship Mr. DeVellis could nominate him to be kind of the catalyst for this that would be great.

Ms. Brue moved that the Board of Selectmen accept the proclamation for entrepreneurial spirit month the month of May in the Town of Foxborough. Seconded by James DeVellis. **Vote 4-0-0**

Mr. Keegan was very honored to receive an invitation from the Hockomock YMCA to serve as a member of the Board of Incorporators which he just received this past week. Mr. Keegan is very pleased to accept that nomination.

Mr. Keegan stated that the one thing he needs to work on this current calendar year is he has been a credentialed manager for the ICMA for the past five years and every five years is required to do a multi-rater assessment through a tool that they provide him to evaluate his strengths and weaknesses in multiple categories. What the Board has provided to him is an assessment of what he has done this past year but this is a learning tool for him so that he can continue to develop his skill set so he can maintain his credentials status in the ICMA. For those that don't know what credentials status means he has committed himself to a lifelong learning curve of professional development and constant learning that all the city and town managers throughout the world there are only 1,300 that are within that status so it is a very distinguished status that you have to have and it is something he really has been very proud of to strive to continue on with. He is going to need the assistance of the Board and members of the community at large to work on this with him so he can actually continue to develop that learning tool. It is something that he is never gone through before and is going to need some help with this a little bit and he has reached out to other managers in the state who are credentialed and have gone through it and they have given him some guidance on it. He is working on this piece right now and he just wanted to let everyone know that he will be reaching out to various people throughout the community to gain some input from things they know about him and how they can continue to develop his work expectations.

Mr. Keegan just received notice this past week from Columbia Gas and they are going to be going up rather significantly over the next year, they filed an increase with the Department of Public Utilities which he will be happy to share with the parents because he thinks it's important that they get this word out that it is a rather significant increase because of the fact that their actual lines and the capacity is not adequate to meet the needs of the growing demand here in Massachusetts in the New England region. Mr. Keegan attended a seminar at Gillette Stadium this past week also on the same topic and it is quite intriguing to him to see that other parts of the country we have plenty of gas supply, that's not the issue, the problem is they don't have the

capacity to deliver that supply and so what is happening now is a growing concern is the growing costs for developing that capacity throughout the entire Northeast region. So folks in this part of the country are going to be seeing some rather significant jumps in their utility bills when it comes to gas supply primarily because of what they are trying to develop is to build an infrastructure. Mr. Keegan just wanted everyone to be aware of this and it is something that they will see if it gets approved it will be effective next March 2016 so they will start seeing some increases in those bills as a result of that. Ms. Coppola asked if this was due to the pipeline that they want to build and of being challenged, Mr. Keegan stated yes.

Mr. Keegan wanted to welcome Lorraine Newell who is their new Financial Analyst and they will probably bring Lorraine in at the next meeting to introduce her to the Board. She is working with the Finance Department and she is a highly skilled asset to our staff.

They did tape another cable show today focused entirely on the warrant for town meeting and they went through every article in reasonable detail and she had Ms. Bernard and Mr. Scollins on the show and they went to the budget process and tried to educate folks as much as they could.

Mr. Keegan reminded everyone that May 11, 2015 is town meeting day.

### **9:15pm – Action Items**

Motion made by Virginia Coppola to approve the Hackney license for Robert C. Loring expiring on April 28, 2017. Seconded by James DeVellis. **Vote 4-0-0**

Motion made by Virginia Coppola to approve the acceptance of a donations from various people totaling \$915 in memory of Mrs. Irene Shea. Seconded by James DeVellis. **Vote 4-0-0**

Motion made by Virginia Coppola to approve the acceptance of a donation of \$100 from the Foxborough animal Hospital to the Recreation Department. Seconded by James DeVellis. **Vote 4-0-0**

Motion made by Virginia Coppola to approve the One Day Beer and Wine license for a fund raiser for the scorpion Boston Breakers Youth Soccer Club on May 2, 2015 at Rodman Ford. Seconded by James DeVellis. **Vote 4-0-0**

Motion made by Virginia Coppola to approve the acceptance of various donations totaling \$2,500 to the Clean Up Foxborough Committee. Seconded by James DeVellis. **Vote 4-0-0**

Motion made by Virginia Coppola to approve the reappointment of Jack Authelet, Christina Belanger and Arthur Dooley to the Clean Up Foxborough Committee with terms expiring May 1, 2016. Seconded by David Feldman. **Vote 4-0-0**

Motion made by Virginia Coppola to approve the renewal of the taxi license for Hello Taxi/Tony Saliba expiring on December 31, 2015. Seconded by David Feldman. **Vote 4-0-0**

Motion made by Virginia Coppola that the Board of Selectmen vote to allow the Board of Selectmen Chairman to sign the application for the Community Forestry Grant. Seconded by David Feldman. **Vote 4-0-0**

Motion by Lorraine Brue to adjourn at 9:24pm. Seconded by David Feldman. **Vote 4-0-0**